

## BOARD OF REVIEW DECISION

**Title of publication:** Christchurch Mosque Attack Livestream

**Other known title(s):** Not stated

**OFLC ref:** 1900148.000

**Medium:** Video File

**Creator:** Not stated

**Country of origin:** Aotearoa New Zealand

**Language:** English

**Applicant:** Brian Johnston

<b>Classification:</b>	Objectionable.
------------------------	----------------

**Excisions:** No excisions recommended

**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 17 June 2019

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 14 June 2019

	Components	Running time
<b>Feature(s):</b>	Christchurch Mosque Attack Livestream	16:55
<b>Total running time:</b>		16:55

### Summary of reasons for decision:

This was an appeal to the Board under section 47(2)(e) of the Films, Videos and Publications Classification Act 1993 (the Act) by the Applicant Mr Brian Johnston for a review of the decision of the Office of Film and Literature Classification (the Classification Office) dated 18 March 2019.

The publication at issue is an audio-visual video allegedly livestreamed on Facebook and other social media on 15 March 2019 (the “video”) apparently by means of a camera attached to the head of the person filming. It depicts a man (the person shows himself by a selfie) armed with several automatic weapons driving to the Al Noor Mosque in Christchurch, entering the mosque and proceeding to coldly and callously shoot the

unarmed persons who he encounters within the mosque. The video shows the man returning to rooms in the mosque, discharging his automatic weapons at the unarmed worshippers again and again. The video then records the man leaving the mosque in his car, shooting through his windscreen at passing pedestrians on his departure and, with apparent heartless indifference, driving over a prone victim on the footpath. As the person filming drives away from the scene, the camera continues to capture audio of the man talking about the atrocity he had just filmed himself committing, before cutting out at almost the 17 minute mark.

In its decision, the Classification Office classified the livestream as objectionable under the Act.

Mr Johnston sought a review of that decision and was granted leave by the Secretary of Internal Affairs to seek such review.

After reading submissions from the Applicant and the Classification Office and reviewing the livestream itself, the Board has determined that the livestream should be classified as objectionable under the Act.

In summary, the Board considered that the video ought to be deemed objectionable under section 3(2)(f) of the Act. It promotes and supports the infliction of extreme violence and extreme cruelty, being the killing or maiming of persons in the mosque while they were unarmed and at prayer. The promotion and support of extreme violence and cruelty is apparent from a number of features of the video, including the use of music and commentary. The video thus depicts horror, crime, cruelty and violence in such a manner that its availability is likely to be injurious to the public good (section 3(1)). Classification of the video as objectionable is a reasonable limit on section 14 of the New Zealand Bill of Rights Act 1990, the right to freedom of expression, which is demonstrably justified in a free and democratic society.